

**Notice of Allowability**

Application No.

10/043,815

Examiner

Kiet Doan

Applicant(s)

YAMASHITA, ATSUSHI

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 01/26/06.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
GEORGE ENG  
SUPERVISORY PATENT EXAMINER

### DETAILED ACTION

This office action is response to RCE file on 01/26/2006.

Claims 1, 2, 4, 8, 11, 13, 16-20 are amended.

The examiner thanks the applicant for rewritten all of the independent claims wherein contain (object) base claim with limitations allowable.

### *Allowable Subject Matter*

**Claims 1-20** are allowed.

The following is an examiner's statement of reasons for allowance:

Consider **claim 1**, the prior art record. Yamashita (Patent NO. 6,256,500) teaches a mobile communication system having a radio base station and a mobile terminal being able to communicate with said radio base station using a specific radio frequency band (C5, L13-38, C6, L4-13 teach base station and a mobile terminal being able to communicate using a specific frequency band) comprising:

a detecting unit to detect speed information concerning a moving speed of said mobile terminal on the basis of a received signal from said mobile terminal (C7, L5-16 teach mobile detecting moving speed); and

a selection controlling unit to select a use frequency in a higher frequency band when said speed information detected by said detecting unit is higher, select a use frequency in a lower radio frequency band when said speed information is lower, and assign said selected use frequency to the communication between said mobile terminal and said radio base station (C4, L24-42, C6, L5-67 teach select frequency with speed

information detected by said detecting unit is higher and select lower radio frequency band when said speed information is lower). and

However, in Yamashita reference or combination are **fails to teach or suggest** a confirmation signal extracting unit to extract a confirmation signal from a received signal said mobile terminal, said confirmation signal confirming said mobile terminal received notification of said selected use frequency for communication between said mobile terminal and said radio base station, said confirmation signal useful in timing the transition to said selected use frequency as substantially connected and specific detail including all of the limitations particularly recited in claims 2, 16, 17, 18 and 19.

**Claims 3-15 and 20** are allowed as being dependent on the independent claims 2 and 19.

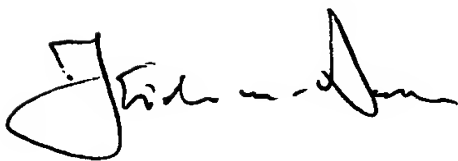
### ***Conclusion***

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

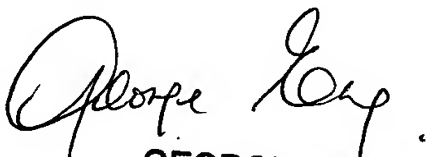
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiet Doan whose telephone number is 571-272-7863. The examiner can normally be reached on 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kiet Doan  
Patent Examiner



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